


EXHIBIT 12

 EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES POLICY AND PROCEDURES MANUAL	SUBJECT:		POLICY NO:
	SEXUAL HARASSMENT AND NON-DISCRIMINATION		HR-401
	DEPARTMENT: HUMAN RESOURCES		
	DISTRIBUTION: ALL DEPARTMENTS		
	EFFECTIVE DATE: 2/1/2000	Page 1 of 3	

I. POLICY

ECFMG is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, ECFMG expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment. ECFMG will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

II. DEFINITIONS

- A. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

1. unwanted sexual advances or requests for sexual favors;
2. sexual jokes and innuendo;
3. verbal abuse of a sexual nature;
4. commentary about an individual's body, sexual prowess or sexual deficiencies;
5. leering, whistling or unwanted touching;
6. insulting or obscene comments or gestures;
7. display in the workplace of sexually suggestive objects or pictures;
8. other physical, verbal or visual conduct of a sexual nature, including unwanted touching.

- B. Harassment on the basis of any other protected characteristic is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law, or that of their relatives, friends or associates and that:

1. has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. has the purpose or effect of unreasonably interfering with an individual's work performance;
3. otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to:

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1. epithets, slurs or negative stereotyping;
2. threatening, intimidating or hostile acts;
3. denigrating jokes;
4. written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on the walls or elsewhere on the employer's premises, or circulated in the workplace.

C. Retaliation is defined as adverse action taken against any individual who reports discrimination or harassment or participates in an investigation of such reports.

III. ELIGIBILITY

This policy applies to all employees and applicants for employment, whether related to conduct engaged in by fellow employees or someone not directly connected to ECFMG (e.g., an outside vendor, consultant or applicant).

IV. PROCEDURES

A. Place of Conduct

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

B. Reporting an Incident of Harassment, Discrimination, or Retaliation

ECFMG encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, or the Director of Human Resources.

In addition, ECFMG encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. ECFMG recognizes, however, that an individual may prefer to pursue the matter through formal complaint procedures.

C. Period for Reporting

ECFMG encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

D. Investigation

1. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly and thoroughly.
2. Interviews
 - a. Human Resources will interview the complaining party in depth and provide the complaining party with a written summary of the interview.
 - b. Human Resources will interview third-party witnesses for corroboration of the complaining party's claims, keeping confidential as much information as possible while still performing an effective

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interview. These third party witnesses will be informed that the investigation is confidential and that they are not to discuss the matters covered.

- c. Human Resources will interview the alleged harasser. It will be made clear that no decision has yet been made as to the truth or falsity of the allegations and that the interview is part of an investigation of these allegations. The alleged harasser will have three (3) days to respond in writing to the charges.
 - d. Human Resources may conduct follow-up interviews as necessary.
3. Human Resources will complete a written report of its findings/conclusions.

E. Confidentiality

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. ECFMG respects the rights of both the complaining party and the alleged harasser.

F. Retaliation

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

G. Resolution

1. Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling, transfer of the offender, withholding of a promotion or pay increase, disciplinary action such as a warning or suspension/final written warning or termination as is warranted given the circumstances.
2. If a party to a complaint does not agree with its resolution, that party may appeal, in writing, within thirty (30) calendar days, to the President.

H. False and Malicious Complaints

False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

I. Inappropriate Use of This Policy

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment.

Responsibility for Policy: Policy Coordinator

Approved by Senior Staff _____
Date

Approved by _____
James A. Hallock M.D., President Date